

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

KENNETH EVANS,	§	
	§	
Plaintiff,	§	
	§	
VS.	§	CIVIL ACTION H-11-4498
	§	
OLD DOMINION FREIGHT LINE, INC.,	§	
	§	
Defendant.	§	

OPINION AND ORDER

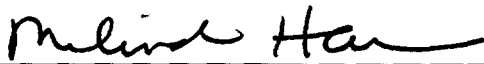
Pending before the Court in the above referenced cause is Defendant's motion to reconsider and modify order on remand [dated January 19, 2012] (instrument #5).

Defendant asserts that Plaintiff "misinformed the court that [Plaintiff's motion to remand] was unopposed."

"It is axiomatic that remanding a case to state court terminates the jurisdiction of a . . . district court over that case." *Browning v. Navarro*, 73 F.2d 1069, 1078 (5<sup>th</sup> Cir. 1984). "Even a federal court, persuaded that it has issued an erroneous remand order, cannot vacate that order once entered. *Id.* " "Once a district court has decided to remand a case and has so notified the state court, the district judge is without power to take any further action." *Id.* at 1078-79, citing 28 U.S.C. § 1447(c), quoting *Federal Deposit Insurance Corp. v. Santiago Plaza*, 598 F.2d 634, 636 (1<sup>st</sup> Cir. 1979). See also *Arnold v. Garlock, Inc.*, 278 F.3d 426, 437-38 (5<sup>th</sup> Cir. 2001).

Accordingly Plaintiff's motion to reconsider (#5) is MOOT.

**SIGNED** at Houston, Texas, this 31<sup>st</sup> day of January, 2012.

  
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MELINDA HARMON  
UNITED STATES DISTRICT JUDGE